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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/109,830	07/02/1998	JOHN P. KENNELLY	KE27-001	3979

21567 7590 01/15/2002

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 01/15/2002.

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER
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ART UNIT	PAPER NUMBER
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24

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 10/15/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 19-27 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 19-27 are subject to restriction or election requirement.

#### Application Papers

- ☐ See the attached Notice of Draftperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 19-21 and 24-27, drawn to a fence with a specific cutting guide configuration, classified in class 83, subclass 438.
  - II. Claims 19 and 22, drawn to a fence with a specific shaft configuration, classified in class 198.
  - III. Claims 19 and 23, drawn to a fence with a specific chain configuration, classified in class 198.
2. Claims 19-27 have been restricted such that the patentability of the invention is presumed to lie in the details of the particular group (e.g. the specifics of the cutting guide configuration of Group I). It is noted that if claim 19 as originally filed is part of an elected group and determined to be patentable, rejoinder of claims 19-27 will be considered. It is further noted that claim 19 is listed as part of all three groups but is not considered to be part of any of these groups. Rather, claim 19 recites subject matter that is common to these groups and has been shown as part of each group for clarity (i.e., so that it is clear which claims are part of which group). Further, because claim 19 includes subject matter which is common to all three groups, it is not considered to be independent or distinct from any one of the groups. Therefore, claim 19 will be examined with the elected group.

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3. The inventions are distinct, each from the other because of the following reasons:
4. Inventions of groups I and II are separate inventions. They are distinct because the invention of group I does not require the specific details of the shaft configuration of group II for patentability as evidenced by the omission thereof from group I, and the invention of group II does not require the specific details of the cutting guide configuration of group I for patentability as evidenced by the omission thereof from group II.
5. Inventions of groups I and III are separate inventions. They are distinct because the invention of group I does not require the specific details of the chain configuration of group III for patentability as evidenced by the omission thereof from group I, and the invention of group III does not require the specific details of the cutting guide configuration of group I for patentability as evidenced by the omission thereof from group III.
6. Inventions of groups II and III are separate inventions. They are distinct because the invention of group II does not require the specific details of the chain configuration (e.g., the pins) of group III for patentability as evidenced by the omission thereof from group II, and the invention of group III does not require the specific details of the shaft configuration of group II for patentability as evidenced by the omission thereof from group III.
7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and have acquired a separate

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status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

8. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

  
**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cf  
January 14, 2002